

ORDINANCE NO. 1663

**AN ORDINANCE VACATING 2.467 ACRES OF PUBLIC RIGHT OF WAY
LOCATED WITHIN THE CITY OF ANKENY, IOWA, KNOWN AS NW 98TH AVENUE
AND ADJACENT TO LAND OWNED BY MICHAEL D. KIDMAN, BRIAN R. NAIL AND
FIRST BANK**

WHEREAS, pursuant to notice published in the manner required by law, on the 7th day of June, 2010, this Council held a public hearing on a proposal to vacate a certain portion of public right of way as hereinafter described; and

WHEREAS, this Council determines that it is in the best interest of the citizens of Ankeny that said public right of way be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:

Section 1. The City of Ankeny does hereby vacate and release the following described public right of way:

A PART OF THE EXISTING RIGHT-OF-WAY OF NW 98TH AVENUE LOCATED IN THE NORTHEAST ¼, THE SOUTHEAST ¼, THE SOUTHWEST ¼ AND THE NORTHWEST ¼ OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 24 WEST OF THE 5TH P.M., ANKENY, POLK COUNTY, IOWA. SAID RIGHT-OF-WAY VACATION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 21, CHERRY GLEN ESTATES PLAT 3, AN OFFICIAL PLAT, ANKENY, POLK COUNTY, IOWA; THENCE N89°37'33"W, 1178.48 FEET ALONG THE NORTH LINE OF SAID CHERRY GLEN ESTATES PLAT 3, AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF NW 98TH AVENUE AS IT IS PRESENTLY ESTABLISHED, TO THE NORTHWEST CORNER OF LOT 38 OF SAID CHERRY GLEN ESTATES PLAT 3; THENCE S89°46'09"W, 51.01 FEET, ALONG SAID NORTH LINE AND SOUTH RIGHT-OF-WAY LINE TO THE WEST

LINE OF THE SOUTHEAST ¼ OF SAID SECTION 17, TOWNSHIP 80 NORTH, RANGE 24 WEST OF THE 5TH P.M., ANKENY, POLK COUNTY, IOWA; THENCE S88°41'03"W, 141.81 FEET, ALONG SAID NORTH LINE AND SOUTH RIGHT-OF-WAY LINE, TO THE NORTHWEST CORNER OF LOT 39 OF SAID CHERRY GLEN ESTATES PLAT 3, AND TO THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF NW 8TH STREET AS IS PRESENTLY ESTABLISHED, AND TO A NON-TANGENT 100.00 FEET RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY, 107.59 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF SAID NW 8TH STREET AND ALONG SAID CURVE, SAID CURVE HAS A CHORD BEARING OF N19°57'40"W AND A CHORD LENGTH OF 102.48 FEET, TO THE NON-TANGENT 270.00 FEET RADIUS CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY, 19.63 FEET ALONG SAID CURVE, SAID CURVE HAS A CHORD BEARING OF N48°42'06W AND A CHORD LENGTH OF 19.62 FEET; THENCE N46°37'09"W, 120.01 FEET TO A POINT OF CURVATURE OF A 226.62 FEET RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY, 154.39 FEET ALONG SAID CURVE, SAID CURVE HAS A CHORD BEARING OF N66°08'10"W AND A CHORD LENGTH OF 151.42 FEET; THENCE N01°44'37"W, 25.35 FEET NON-TANGENT TO THE PREVIOUS CALL, TO THE NORTH RIGHT-OF-WAY LINE OF SAID NW 98TH AVENUE; THENCE N88°15'23"E, 348.32 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE, TO THE EAST LINE OF THE NORTHWEST ¼ OF SAID SECTION 17; THENCE S61°13'15"E, 56.95 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE S89°38'57"E, 1114.36 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE S44°27'58"E, 92.83 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID NW 98TH AVENUE, TO THE NORTHEAST CORNER OF SAID LOT 21 AND TO THE POINT OF BEGINNING.

SAID TRACT OF LAND SUBJECT TO ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 2.467 ACRES MORE OR LESS.

Layman's Description

2.467 acres of public right of way known as NW 98th Avenue and adjacent to land owned by Michael D. Kidman, Brian R. Nail and First Bank; and

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED at Ankeny, Iowa this ____ day of _____, 2010.

Steven D. Van Oort, Mayor

Pamela DeMouth, City Clerk

**PUBLISHED IN THE
DES MOINES REGISTER
ON THE ____ DAY OF _____, 2010**

**1st Con 06/07/10 - (P. Hrg.)
2nd Con _____
3rd Con _____**